

June 2, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

850 Union Bank of California Building  
900 Fourth Avenue  
Seattle, Washington 98164  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: King County Department of Transportation File No. **V-2456**  
Proposed Ordinance No. **2003-0209**

**DUANE AND MICHELLE SCHILLING**  
Road Vacation Application

Location: Portion of SE 184<sup>th</sup> Street west of Lake Desire Drive South

Petitioner: **Duane and Michelle Schilling**  
18341 West Lake Desire Drive Southeast  
Renton, WA 98058

King County: Department of Transportation, *represented by*  
**Jodi Simmons**  
201 S. Jackson St.  
Seattle, WA 98104-3856  
Telephone: (206) 296-3731  
Facsimile: (206) 296-0567

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:  
Department's Final:  
Examiner:

Approve road vacation  
Approve road vacation  
Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2456 received by the Examiner on May 19, 2003.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2456 was opened by the Examiner at 1:30 p.m. on May 30, 2003, in the Union Bank of California 8th floor conference room, 900 4th Avenue, Seattle WA 98164, and closed at 1:35 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

## 1. General Information:

|                              |   |
|------------------------------|---|
| Road name and location:      | Portion of SE 184th Street west of Lake Desire Drive South, Thomas Bros., pg. 687, C1 |
| Right of way classification: | C Class   |
| Area:                        | 4,729 square feet   |
| Compensation:                | \$10,782.12   |

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the May 30, 2003, public hearing and the statement of facts contained in Proposed Ordinance No. 2003-0209. The Department's report will be attached to those copies of this report and recommendation that are submitted to the Metropolitan King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.

CONCLUSIONS:

1. The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.
2. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the King County Council.

3. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

RECOMMENDATION:

APPROVE proposed Ordinance No. 2003-0209 to vacate the subject road.

RECOMMENDED this 2nd day of June, 2003.

---

Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 2nd day of June, 2003, to the following parties and interested persons:

Don Dauphiny  
Qwest Communications  
1200 12th Ave. NW  
Issaquah WA 98027

Terry Davis  
Comcast, Inc.  
410 Valley Ave. NW  
Puyallup WA 98371

Mary Lamping  
Puget Sound Energy  
411 - 108th Ave. NE  
Bellevue WA 98009-9734

Duane & Michelle Schilling  
18341 W. Lake Desire Dr. SE  
Renton WA 98058

Jodi Simmons  
Engineer II  
DOT/Road Services  
MS KSC-TR-0231 WA

Soos Creek Water & Sewer District  
Attn: Alan Aedes  
14616 SE 192nd St.  
Renton WA 98058

Neil Watts  
City of Renton  
1055 S. Grady Way  
Renton WA 98055

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Angela Brink  
King County Council  
MS KCC-CC-1200

Curt Crawford  
KC DNR  
Water & Land Res. Div.  
MS-KSC-NR-0600

Neil DeGoojer  
KC Office of Open Space  
MS KSC-NR-600

Pam Elardo  
KC DNR&P  
Wastewater Treatment Div.  
MS KSC-NR-0503

Nancy Gordon  
King County DOT  
Transit/D&C  
MS KSC-TR-0431

Dennis Gorley  
Dept of Transportation  
Road Services Division  
MS KSC-TR-0231

David Gualtieri  
KCDOT  
CIP & Planning Sec.  
MS-KSC-TR-0317

Roderick E. Matsuno  
KC DOT  
Road Maint. Section  
MS RSD-TR-0100

Paulette Norman  
KCDOT  
Roads Division  
MS-KSC-TR-0231

Robert Nunnenkamp  
KC Parks and Recreation  
MS LBP-PR-0100

Lydia Reynolds-Jones  
KC DOT  
Project Support Serv.  
MS KSC-TR-0231

Gary Samek  
KC DOT  
Road Services Div.  
MS KSC-TR-0222

Charlie Sundberg  
Office of Cultural Res.  
Landmarks & Heritage Prog.  
MS STR-CR-0200

Caroline Thompson  
Property Services Division  
MS ADM-ES-0500

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$250.00 (check payable to King County Office of Finance) *on or before* **June 16, 2003**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before* **June 23, 2003**.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 1025, King County Courthouse, 516 3<sup>rd</sup> Avenue, Seattle, Washington 98104, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty-one (21) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MAY 30, 2003 PUBLIC HEARING ON DEPARTMENT OF TRANSPORTATION  
FILE NO. V-2456.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Jodi Simmons, representing the Department; and Michelle Schilling the Petitioner.

The following exhibits were offered and entered into the record:

- |                |  |
|----------------|--|
| Exhibit No. 1  | DOT Report to the Hearing Examiner dated May 30, 2003 with 16 attachments  |
| Exhibit No. 2  | Petition Transmittal Letter dated June 28, 2002 to the Department of Transportation from the Clerk of the Council  |
| Exhibit No. 3  | June 25, 2002 letter of explanation and Petition for Vacation of a County Road including legal descriptions of Petitioner's property   |
| Exhibit No. 4  | Copy of Filing Fee – Check 7168 from Michelle & Duane Schilling  |
| Exhibit No. 5  | July 10, 2002 letter to petitioner from Dennis Gorley explaining the road vacation process   |
| Exhibit No. 6  | Vicinity map   |
| Exhibit No. 7  | Map depicting vacation area  |
| Exhibit No. 8  | December 5, 2002 letter to petitioners identifying DOT recommendation and requesting compensation. Compensation calculations detailed in compensation worksheet                              |
| Exhibit No. 9  | December 13, 2002 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer   |
| Exhibit No. 10 | January 8, 2003 letter and attachments from petitioners to Councilmember Phillips re: their experience of the road vacation process and discontent with the compensation amount              |
| Exhibit No. 11 | January 24, 2003 letter from Councilmember Phillips to the petitioners deferring a response to Councilmember Pullen's office   |
| Exhibit No. 12 | February 14, 2003 email from Doug Hodson, Legislative Analyst for the Council's Transportation Committee to the Roads Services Division re: questions about the Schilling road vacation      |
| Exhibit No. 13 | February 18, 2003 email from Dennis Gorley, Supervisor, Roads Services Unit to Doug Hodson responding to the February 14, 2003 request on the Schilling vacation                             |
| Exhibit No. 14 | February 26, 2003 email from Angela Brink, Legislative Aide for Councilmember Pullen to Jodi Simmons, Vacations Engineer requesting a response to the Petitioners on several specific issues |
| Exhibit No. 15 | March 4, 2003 letter to the petitioners responding to a request from Councilmember Pullen's office   |
| Exhibit No. 16 | March 5, 2003 fax from the petitioners requesting a reduction to the original vacation area  |
| Exhibit No. 17 | March 13, 2003 letter to petitioners identifying DOT recommendation and requesting compensation for reduced vacation area. Compensation calculations Detailed in compensation worksheet      |
| Exhibit No. 18 | March 14, 2003 transmittal letter to Council providing recommendation of KCDOT and County Road Engineer on reduced vacation area   |
| Exhibit No. 19 | Copy of compensation check #7410 from Michelle and Duane Schilling   |
| Exhibit No. 20 | Ordinance transmittal letter dated May 1, 2003 from the King County Executive to Councilmember Cynthia Sullivan  |

|                |  |
|----------------|--|
| Exhibit No. 21 | Proposed Ordinance 2003-0209   |
| Exhibit No. 22 | Notice of hearing from the Clerk of the Council  |
| Exhibit No. 23 | Affidavit of posting for hearing, indicating a posting date of May 7, 2003                         |
| Exhibit No. 24 | Affidavit of Publication for date of hearing ( <i>to be submitted post-hearing, upon receipt</i> ) |

SLS:ms  
V-2456

Attachments